

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-054914

05/12/2011

HONORABLE LINDA H. MILES

CLERK OF THE COURT
L. Crawford
Deputy

GEORGE L BRADBURY IV, et al.

JOHN R BECKER

v.

CRUNCHKINS INC

RICHARD L KLAUER

MINUTE ENTRY

Courtroom 106 – NE

8:34 a.m. This is the time set for telephonic Status Conference. Appearing on behalf of Plaintiffs George L. Bradbury and Rui Zhu is counsel, Larry Scaringelli, appearing for John R. Becker. Appearing telephonically on behalf of Defendant Crunchkins, Inc. is counsel, Richard L. Klauer. Stephen Hoy, President of Defendant Crunchkins, Inc., is also present telephonically.

A recording of this proceeding is being made by audio and/or videotape in lieu of a court reporter.

This conference was set to address the scheduling of an evidentiary hearing regarding Defendant's Motion to Dismiss, filed February 10, 2011. The Court has reviewed Defendant's Motion to Dismiss and the Response and Reply thereto.

Discussion commences regarding the status of the case and the status of discovery.

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IT IS ORDERED setting an Evidentiary Hearing regarding Defendant's Motions to Dismiss on **May 23, 2011 at 1:30 p.m.** (time allotted: two hours) in this Division.

**THE HONORABLE LINDA H. MILES
MARICOPA COUNTY SUPERIOR COURT
NORTHEAST REGIONAL COURT CENTER
18380 N. 40TH STREET
COURTROOM 106
PHOENIX, ARIZONA 85032
(602) 506-6452**

IT IS FURTHER ORDERED that the parties shall disclose to one another a final list of witnesses and exhibits related to the issues set for this hearing by no later than **May 18, 2011**.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement by **May 18, 2011**. The Joint Pre-hearing Statement shall briefly set forth the issues to be addressed, and include a list of witnesses and exhibits.

IT IS FURTHER ORDERED that the parties shall deliver their exhibits to be marked to the Clerk of this Division with the Joint Pre-hearing Statement. The parties shall present the Clerk with their exhibits in consecutive, numerical order; Plaintiff's exhibits shall begin with exhibit 1 and Defendant's exhibits shall continue in consecutive, numerical order thereafter. All exhibits must be presented to the Clerk for marking; a space will not be held for an exhibit that is listed on an Exhibit List, but omitted from the set delivered to the Clerk. **Duplicate exhibits shall not be presented.** The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. Any objections not specifically stated in the Pre-hearing Statement will be deemed waived. At the time of hearing, all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Pre-hearing Statement shall be summarily admitted.

NOTE: All Court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting the Division (602-506-6452) three (3) court days before the scheduled proceeding.

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Mr. Scaringelli requests that the Court allow Plaintiffs' witness, Mr. Zugec, to testify telephonically as he lives in Palm Desert. Counsel is advised that it appears to the Court, based on what is set forth in the Motion, Response and Reply, that credibility is at issue and it is difficult for the Court to judge credibility when a witness is not testifying in person. Mr. Scaringelli is further advised that the Court has no objection to Plaintiffs' witness, Mr. Zugec, testifying telephonically at the evidentiary hearing. Mr. Scaringelli will further discuss this issue with his client.

8:44 a.m. Matter concludes.

ALERT: eFiling through AZTurboCourt.gov is mandatory in civil cases for attorney-filed documents effective May 1, 2011. See Arizona Supreme Court Administrative Orders 2010-117 and 2011-010. The Court may impose sanctions against counsel to ensure compliance with this requirement after May 1, 2011.